

No. 20-1626

In The
Supreme Court of the United States

—◆—
ROBERT L. SCHULZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

—◆—
**On Petition For Writ Of Certiorari
To The Court Of Appeals
For The Second Circuit**

—◆—
PETITION FOR REHEARING

—◆—
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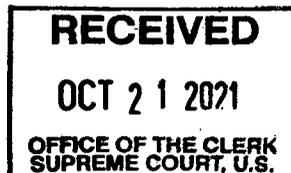


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PETITION FOR REHEARING¹

The Court's 10/4/2021 ruling denying certiorari is unacceptable.

The ruling is an invasion of every citizen's personal freedom – their unalienable Right to hold their servant government accountable to the Constitution and Rule of Law, a Right guaranteed by the Constitution's Petition Clause – the last ten words of the First Amendment.

The Court's 10/4/2021 ruling lets stand three incendiary, inextricably-connected decisions by the lower courts against petitioner here ("Schulz") and the We The People Foundation for Constitutional Education, Inc.:

- 1) the decision written by Justice Kavanaugh, during his term at the Court of Appeals for the D.C. Circuit, that Government is not obligated to respond to citizens' First Amendment Petitions for Redress of its violations of the Constitution;² and
- 2) the next-in-line decision, written by Justice Sotomayor during her term at the

¹ Petition for Rehearing of the Petition for Writ of Certiorari to United States Court of Appeals for the Second Circuit, not to the Court of Appeals of the State of New York as mistakenly indicated on the cover (only) of the Petition For Writ of Certiorari, Case # 20-1626.

² *We The People, et al. v. United States*, 2005 U.S. Dist. LEXIS 20409 (D.D.C. 2005), *aff'd*, 485 F.3d 140 (D.C. Cir. 2007), certiorari denied (Case No. 07-681).

Court of Appeals for the 2d Circuit, that a Petition challenging the Government's policy of tax withholding on the ground that it violates the citizens' Right of enforcement of their Rights (the citizens' Right to redress before taxes) is "frivolous" and subject to penalty as an "abusive tax shelter,"³ and:

- 3) the next-in-line decision that penalized Schulz and We The People, the organization behind the effort to restore the Right of the People to hold the Government accountable via the Petition Clause; the organization that prepared, served on the Government and distributed the Petition that challenged the constitutionality of the Government's policy of tax withholding – the Petition the Government claimed was an "abusive tax shelter."⁴

Neither Justice Kavanaugh nor Justice Sotomayor recused themselves from participating in this Court's 10/4/2021 ruling.

Once again, the history of Government in America reflects repeated injuries and usurpations; this time all having in direct result a shift in the *ultimate power* in our society from the People to the Government, where

³ *United States v. We The People, et al.*, 529 F. Supp. 2d 341 (N.D.N.Y. 2007), *aff'd*, 517 F.3d 606 (2d Cir. 2008), certiorari denied (Case No. 08-317).

⁴ *Schulz v. United States*, 2019 U.S. Dist. LEXIS 51073 (N.D.N.Y. 2019), *aff'd*, 831 Fed. Appx. 48 (2d Cir. 2020), certiorari denied 10/4/2021 (Case No. 20-1626).

our Constitution, as written and as amended, does not intend for it to reside.

This profoundly dishonorable behavior by the Government's Judicial branch followed the Legislative's and Executive's constitutionally insulting refusal to respond, *except with enforcement actions*, to the We The People's rightful and appropriate Petitions to the Government for Redress of violations of our Constitutions and law pursuant thereto.

For instance, what follows is a snapshot of some of the Petitions for Redress that have been authored by the We The People organization during the past 22 years, signed by many citizens and served on officials in multiple State's and Administrations but ignored. These Petitions prove the Government has stepped outside the boundaries drawn around its power by our Constitutions, taking possession of a boundless field of power. The Petitions were proper in that they cited the constitutional provision violated, included the factual evidence of the violations, contained no falsehoods, came from people outside the formal political and governmental cultures and were dignified instruments of deliberation not agitation.

1. The Petition that questions the State Governments' current method of counting votes in secret, via electronic voting systems, rather than paper ballots, hand marked and hand counted, as a violation of the principle of the *public nature of elections* that emerges from our State and Federal Constitutions.

2. The Petition that questions the federal Government's current method of counting electoral votes in a presidential election, particularly its inclusion of electoral votes *not regularly given*, as a violation of the letter and spirit of the Electors Clause – Article II, Section 1 of the U.S. Constitution.
3. The Petition that questions the Government's current system of public education, which is virtually devoid of civic education including the history, meaning, significance and effect of the provisions of our State and Federal Constitutions and Declaration of Independence, a violation of the principle of the "frequent recurrence to fundamental principles" that emerges from our State and Federal Constitutions.
4. The Petition that questions the Federal Reserve Act, Public Law 63-43, which was adopted in 1913 without any constitutional authority whatsoever, in violation of the Constitution's prohibition against un-enumerated powers.
5. The Petition that questions the Federal Reserve System, a cartel of private banks, that controls a debt-based, fiat currency in violation of Article I, Section 8, Clause 5 and Article I, Section 10, Clause 1 of the U.S. Constitution which provide, "Congress shall have the power . . . To *coin* Money, regulate the Value thereof, and of

foreign *Coin*. . . .” and “No State shall . . . make any Thing but gold and silver *Coin* a Tender in Payment of Debts.”

6. The Petition that questions the Government’s direct, un-apportioned tax on labor as a violation of the “direct taxes shall be apportioned among the several States” provision of Article I, Section 2 of the U.S. Constitution.
7. The Petition that questions the 16th Amendment as having been added to the Constitution in violation of Article V of the U.S. Constitution.
8. The Petition that questions the Government’s gifting and lending of public money and credit for definitively and decidedly private purposes – bailouts of private corporations – without any constitutional authority whatsoever.
9. The Petition that questions the Government’s application of the armed forces of the United States in hostilities overseas without a declaration of war in violation of the war powers clause of Article I, Section 8, Clause 11 of the U.S. Constitution.
10. The Petition that questions the Government’s refusal to enforce the nation’s immigration laws in violation of the mandate, plainly worded in Article II of the U.S. Constitution, which requires the President to *faithfully* execute the laws.

11. The Petition that questions the Government's failure to develop the well-regulated State Militia deemed necessary by the Second Amendment to the U.S. Constitution.
12. The Petition that questions a State Government's adoption of gun control laws in violation of the letter and spirit of the 2nd Amendment and its State Constitution's requirement that all proposed Bills be on the desks of all legislators for at least three days before passage.
13. The Petition that questions the Government's invasion of our privacy under Public Law 107-56 (the "Patriot Act") in violation of the Fourth Amendment.
14. The Petitions that question elected and appointed officials who give themselves significant increases in compensation without an intervening election in violation of the letter and spirit of the 27th Amendment and their State Constitution.

These Petitions for Redress of Constitutional violations have been answered only with repeated injury.

These Petitions, properly served on officials in the Executive and Legislative branches over multiple administrations, have been answered only with silence, broken promises, harassment by the IRS or other abuses of power, notwithstanding the fact that Government is obligated to provide a meaningful response

according to the historical scope and purpose of the Petition Clause.

The Petitions filed with the Judicial branch are repeatedly dismissed for “lack of standing.” To prove his “standing,” the Courts require proof that the Petitioner’s injury resulting from the government’s violation of the Constitution is different in kind and degree – more concrete and particularized – than the harm suffered by the public at large. Since this is not possible, those constitutional challenges, so unwelcomed by the Government, are dismissed, destroying the very foundation of our constitutional Republic – popular sovereignty and the Rule of Law. Each provision of our Constitutions is meant to be a lawful guarantee to each and every citizen of an individual, unalienable Right, *not to be denied by the Government without a constitutional amendment.*

*The Court’s 10/4/2021 ruling egregiously conflicts with the historical scope and purpose, origin and line of growth of the Right to Petition and this Court’s holdings in **Borough of Duryea v. Guarnieri**, 564 U.S. 379 (2011), all as studiously documented on pages 12-25 of the underlying Petition for Writ of Certiorari.*

Without a rehearing, the Court’s 10/4/2021 ruling has abolished the Right to Petition putting the country, politically speaking, back to 1776 when, as a consequence of a lack of a meaningful response from Government to Petitions for Redress, the People chose separation rather than submission. Our Declaration of Independence makes this clear. It lists 27 grievances

and then immediately declares, "In every stage of these oppressions we have petitioned in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people."

Now, as then, the Government has become tyrannical, enhancing its power at the expense of the individual's rightful Liberty. Now as then, we the People have not been wanting in attentions to our Government officials: we have repeatedly reminded them of the history of the origin, line of growth and scope and purpose of the Right to Petition and we have warned them from time to time of their attempts to extend an unwarrantable jurisdiction over the People. Now, as then, we the People have called upon our Government officials to disavow their usurpations, which would inevitably lead to an upheaval. Now, as then, Government has been deaf to the voice of justice.

It is clear by historical precedence that the Supreme Court's role is meant to be as a servant and highest protector of the Rights of the People. It is clear that it is within the duty of this Court to preserve the intended balance of power between Government and the People. Should said lower court cases be allowed to stand, the balance of power intended by the Framers and our written Constitutions will forever be broken, everything else being equal.

If the Rights addressed by said Petitions are not really Rights, or if the Rights are real and were

abridged by Government actions, it is the duty of this Court to provide for the public record a clear indication of Petitioner's misinterpretation of the meaning of the Right, or when legitimate changes to the Right had occurred.

It is clear that those who signed said Petitions for Redress, by the very act of signing, indicated that they believe they have the Rights and that they have not relinquished them. The Government has provided no insight in the underlying cases that our Rights are different than what the signers of those Petitions believe.

Carte-blanc denial of this Petition for Rehearing will be interpreted by the People as further lawlessness by the Government.

Without the full restoration of the 1st Amendment Right to Petition the Government for Redress of Grievances, including Government's obligation to respond, the people have no practical, peaceful means of holding government accountable to the Rule of Law. The evidence shows simply asking Government officialdom to negate its violations, or relying on the electoral process, does not provide relief from the suffering occurred from the loss of individual Rights and Liberty. Currently, there is no incentive for Government to deviate from its abusive behavior.

Therefore, we hold fast to the belief that it is within this court's self-interest to grant this Petition for Rehearing and the Petition for Writ of Certiorari.

Then, having fully restored the Right of the People to hold their Government accountable to the Rule of Law via petitioning for redress of its violations, as one of the most important of the checks and balances supporting our beloved Constitutional Republic, the Country may then resume normalcy *but with the addition of one new institution*. Having learned the hard way that the Constitution cannot defend itself, and that without citizen vigilance it is in the natural order of things for Government to gain ground and Liberty to lose ground, it will be necessary to *institutionalize citizen vigilance*.

Finally, Petitioner would be remiss, negligent in his duty to his Country and its Constitution if he did not, in the most heartfelt but respectful terms possible, warn the Court that its 10/4/2021 ruling is so unjust that absent a rehearing and the grant of certiorari, the only meaningful course of action for the People, it seems, would be to take back their Government by all legal, non-violent means possible, including locking down their pocketbooks until they have secured their Rights under the Petition Clause and such other redress as they have determined upon.

This the People can legally do. By not responding to the People's oft-repeated Petition for Redress of its violation of Article I, Section 2 of the United States Constitution (number 6 above), the Government has admitted, *by its silence when it had a duty to speak*, that there is no law that Americans *must* pay a tax on the money received from their labor – i.e., that payment of the tax is, in fact, voluntary.

No one is above the Law. These are times that try
men's souls.



CONCLUSION

The Court should grant this petition for rehearing
and grant the petition for a writ of certiorari.

Respectfully submitted,

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October 19, 2021

CERTIFICATION

I hereby certify that this petition for rehearing is restricted to the grounds specified in Rule 44.2 and presented in good faith and not for delay.

ROBERT L. SCHULZ